

REMARKS

Claims 66-71 and 77-79 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Suliman, Jr., et al. (U.S. Pat. Appl. No. 2001/0053980 A1, herein “Suliman”) in view of Schrier, et al. (U.S. Pat. No. 5,833,599, herein “Schrier”).

Claims 72-73 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Suliman in view of Schrier, and further in view of Ware (U.S. Pat. No. 4,707,592, herein “Ware”).

Applicant would like to thank the Examiner for the indication that the prior objections to the oath/declaration, drawings, specification, and claim 67 have been withdrawn.

The rejection of pending claims 66-73 and 77-79 rely upon the Suliman publication as the primary reference. The Suliman application was published on December 20, 2001, based upon U.S. Pat. Appl. Serial No. 09/738,664, filed December 15, 2000. The ‘664 application claims the benefit of the filing date of provisional Pat. Appl. Serial No. 60/172,351, filed on December 16, 1999. Therefore, the Suliman reference has an effective date of December 16, 1999.

The captioned application has a filing date of February 8, 2001, and

claims the benefit of provisional Pat. Appl. Serial No. 60/182,000, filed February 11, 2000.

Attached is the Declaration Under 37 C.F.R. § 1.131 of the inventor, Marcio Marc Abreu, establishing a date of invention for the subject matter of the captioned application at least as early as August 1, 1999. In addition, attached is the Declaration Under 37 C.F.R. § 1.131 of Craig W. Brock. The Declaration of Mr. Brock has attached thereto a series of drawings closely resembling some of the drawings of the captioned application and establishing their creation in a time frame of early to mid-1999.

It is respectfully submitted that the present invention predates the filing date of the Suliman provisional application filing date of December 16, 1999. Accordingly, the Suliman reference should be removed as prior art against the captioned application. In the absence of the reliance on the Suliman reference, it is respectfully submitted that the rejections made in the Office Action should be removed and that the captioned application should be in condition for allowance.

However, if after reviewing the above amendments and remarks, the Examiner has any questions or comments, he is cordially invited to contact the undersigned attorneys.

Serial No.:09,778,762
Atty Docket No.: P66081US1

Filed separately herewith is Credit Card Payment Form PTO-2038 in the amount of \$510.00 for a 3-month Petition for Extension of Time (also filed separately herewith). If the amount is in error, the Patent and Trademark Office is authorized to debit or credit, as appropriate, Deposit Account No. 06-1358.

Respectfully submitted,
JACOBSON HOLMAN PLLC

By: 
Jonathan L. Scherer
Reg. No. 29,851

Customer No.: 00136
400 Seventh Street, N.W.
Washington, D.C. 20004
Tel. (202) 638-6666
Date: May 11, 2007
JLS/kad